

REMARKS/ARGUMENTS

Reconsideration of this application in light of the above amendments is courteously solicited.

Claim 24 has been amended so as to overcome the Examiner's rejection under 35 U.S.C. 112, second paragraph. It is submitted that all of the pending claims, claims 17-26 comply with the formal requirements of 35 U.S.C. 112, second paragraph.

The examiner rejected the previously submitted claims 17, 18 and 21 through 23 under 35 U.S.C. 103 as being unpatentable over Fiedler et al. Claims 19, 20, and 24-27 have not been rejected over any prior art reference and, accordingly, are believed to contain allowable subject matter. It is submitted that independent claims 17 and 18 and the claims which depend therefrom patentably define over the Fiedler 2,979,392 reference for the reasons set forth hereinbelow.

Independent claim 17 sets forth the following:

A process for a production for a reinforced formed part comprising an at least partially hollow metal external formed part filled at least in part with a metal foam, the process comprising the steps of:

forming an at least partially hollow metal external formed part;

forming a foamable prepreg body comprising a dense body of metal powder admixed with a foaming agent;

locating the prepreg body within the hollow metal external formed part;

heating the prepreg body to provide a metal foam material within said hollow external formed part by foaming the prepreg body within said hollow external formed part; and

simultaneously with the foaming contacting said metal foam material with at least a part of the hollow metal external formed part, so that the foam rests in form-fit relation against the hollow metal external formed part, wherein the density of the metal foam is between 0.3 to 5.0 g/cm³.

Contrary to the Examiner's assertion on Page 2 of paragraph 3 of his office action, the Fiedler et al. 2,979,392 patent does not teach, disclose or suggest a prepreg body as now claimed in independent claim 17 nor does the '392 patent suggest the locating and heating of the prepreg body as claimed in independent claim 17 to result in a metal foam having the density claimed in independent claim 17. Contrary to the particular process steps now set forth in claim 17, the '392 patent teaches the feeding of a mixture of particles but not a prepreg as used in the description and claims of the instant application. In this regard the Examiner's attention is drawn to paragraph [0040] on Page 3 of the published application corresponding to the instant application. The process disclosed in the Fiedler et al. '392 patent cannot result in a metal foam within a hollow metal part which has the density as claimed. Only by the use of a prepreg as claimed can the density be achieved. The '392 patent does not suggest nor appreciate this critical feature of the claimed invention as set forth in independent claim 17.

With respect to independent claim 18, again, as noted above, claim 18 requires that the density of the metal foam be between 0.3 to 5.0 g/cm³. There is no teaching or suggestion in the '392 patent that such a density can be obtained by the process disclosed therein.

In addition to the foregoing it is submitted that the dependent claims contain patentable merit in their own right. Claim 24 was not rejected over any cited prior art reference. The Fiedler '392 patent fails to teach, disclose, or render obvious a fiber reinforced external formed part as claimed. Accordingly, claims 19, 20, 25, 26 and 27 which depend either directly or indirectly from dependent claim 24 are likewise patentable over the prior art. With regard to dependent claims 21-23, the '392 patent does not teach or suggest an external formed part "having one or more layers" of cold or hot worked material.

In light of the foregoing, it is submitted that all of the claims as pending patentably define over the art of record and an early indication of same is respectfully requested.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would

be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,

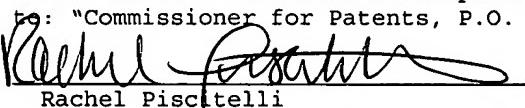
Alfred Ebbinghaus


By _____

Gregory P. LaPointe
Attorney for Applicant
Reg. No. 28,395
Tel: (203) 777-6628
Fax: (203) 865-0297

Date: June 10, 2004

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on June 10, 2004.


Rachel Piscitelli